

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ACCURIDE ERIE, L.P.

Plaintiff/Counterclaim Defendant,

v.

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE, AND
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA, LOCAL
1186

Defendant/Counterclaim Plaintiff.

Civil Action No. 05-CV-00169

Judge Sean J. McLaughlin

PLAINTIFF'S MOTION TO CONSOLIDATE AND RESCHEDULE HEARINGS

Plaintiff Accuride Erie, L.P. ("Accuride"), by its undersigned counsel, submits the following Motion to Consolidate and Reschedule Hearings, and in support thereof, states as follows:

1. On or about May 13, 2008, Defendant, the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, Local Union 1186 (the "Union"), filed a Motion for Rule to Show Cause alleging entitlement to Accuride retiree benefits (Docket # 49).

2. Also on or about May 13, 2008, former Union members James Anderson, James Briggs, Doug Ferguson, Ron Fox, Leo Gatti, Charles Harper, Ron Huzinec, Joe Matczak, Gerald Meyers, Leonard Popovich, Dan Stafford, Dennis Tarazski, John Weber, and John Harmich, initiated another related action with this Court by filing a Complaint alleging entitlement to the same Accuride retiree benefits at Civil Action No.

08-cv-00145 SJM (Docket # 1).¹

3. On or about June 9, 2008, Accuride responded to the Union's Motion for Rule to Show Cause in this action (Docket # 56), and filed a Motion to Dismiss Plaintiffs' Complaint in Civil Action No. 08-cv-00145 (Docket # 6).

4. On June 27, 2008, the Court issued a Notice of Hearing on the Union's Motion for Rule to Show Cause for August 7, 2008 at 1:30 PM.

5. On July 14, 2008, the Court issued a Notice of Hearing on Accuride's Motion to Dismiss Plaintiffs' Complaint in 08-cv-00145, scheduling oral argument for September 2, 2008 at 1:30 PM.

6. Both Attorney Miner and Attorney Paliotta, counsel for Accuride, have scheduling conflicts that prevent them from attending oral argument on August 7, 2008 and September 2, 2008.

7. Counsel for Accuride has contacted Plaintiffs' counsel and the Court regarding consolidation of the arguments and available dates to reschedule the same.

8. Subject to the Court's availability, both Parties' counsel are available to conduct oral argument on both the Union's Motion for Rule to Show Cause and Accuride's Motion Dismiss Plaintiffs' Complaint on September 8, 9, or 10, 2008.

For the foregoing reasons, Accuride respectfully requests that the Court grant its motion to consolidate oral argument on these matters and reschedule such argument for September 8, 9, or 10, 2008. A proposed order of court is attached hereto.

¹ Defendant in this action and Plaintiffs in Civil Action No. 08-cv-00145 are represented by the same counsel, and have indicated in filing their Complaint in 08-cv- 00145 that the matters are related.

Respectfully submitted

/s/ Shannon H. Paliotta

Frederick C. Miner (AZ #18854)* *pro hac vice*

Shannon Huygens Paliotta (PA #91000)

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August 4, 2008

Attorneys for Accuride Erie, L.P.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of August, 2008, a copy of the foregoing **Plaintiff's Motion to Consolidate and Reschedule Hearings** was filed using the Western District of Pennsylvania's ECF system, through which this document is available for viewing and downloading, causing a notice of electronic filing to be served upon the following counsel of record:

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